

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-5, 8, and 28-37 are pending in the application. Claims 1-5, 8, 28 and 30-34 are allowed. Claim 35 has been amended. No new claims have been added. Claim 38 has been canceled. No new matter has been added.

Claim 29, which depends on allowed independent claim 1, was rejected in the previous Office Action under 112, second paragraph, for lack of antecedent basis. Applicant had amended claim 29, correcting the antecedent problem, in the previous response. The current Office Action failed to identify the status of claim 29, and no rejection of claim 29 has been presented. Applicant presumes that claim 29 had overcome the previous rejection and is now allowable, but due to a clerical error, was overlooked.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 35 and 36 under 35 USC §102(b), as being anticipated by Yamauchi et al. (U.S. Patent Application No. 2002/0112662) hereinafter “Yamauchi”.

The Examiner had indicated in the instant Office Action that claim 38, which depends on independent claim 35, was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Applicant has amended independent claim 35 to include all the limitations of claim 38, which should have made claim 35 allowable. Claim 38 was cancelled. Since claim 36 depends on amended claim 35, claim 36 should also be allowable.

Applicant, accordingly, respectfully requests withdrawal of the rejection of claims 35 and 36 under 35 USC §102(b), as being anticipated by Yamauchi.

Inventor: Joseph Consolini  
Application No.: 10/678,899

Examiner: Laura Estelle Edwards  
Art Unit: 1734

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claim 37 under 35 U.S.C. 103(a) as being unpatentable over *Yamuchi* in view of *Yamasaka* (U.S. 5,997,653) hereinafter "*Yamasaka*".

In light of the amendment to claim 35, and the above remarks, claim 37, which depends on amended independent claim 35, which was indicated to be allowable, should also result in dependent claim 37 also being allowable.

Applicant, accordingly, respectfully requests withdrawal of the rejection of claim 37 under 35 USC §103(a), as being unpatentable over *Yamuchi* in view of *Yamasaka*.

Applicant assert that in addition to previously allowed claims 1-5, 8, 28, and 30-34, claim 29 was also allowable, but inadvertently omitted. Further, Applicant asserts that amended claim 35, incorporating previously indicated allowable subject matter of cancelled claim 38, is now also allowable, along with its dependent claims 36 and 37. Therefore, Applicants assert that pending claims 1-5, 8, and 28-37 are now allowable, placing the application in condition for allowance.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Mr. Neal Berezny at (408) 962-7563 or (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Neal Berezny  
Reg. No. 56,030

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

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- 8 -

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